

DEC 04 2005

M. ROBERT KESTENBAUM, LLC  
PATENT AND TRADEMARK MATTERS

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mail Stop Amendment with Fee Art Unit 1753	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	December 4, 2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571)273 8300	5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272 1340	(H) 02SGL0436CIPUSP
RE:	YOUR REFERENCE NUMBER:
Response to Notice of Fee Deficiency	10/777,800

## NOTES/COMMENTS:

Dear Examiner McDonald:

I am faxing an additional payment in response to the Notice of Deficiency mailed 11/18/2005 (included herewith). I am also including a PTO 2038 authorizing charging a credit card for the prescribed large entity THIRD month extension fee of \$570 + the \$200 additional independent claim fee, for a total of \$770 to be charged to the credit card.

We respectfully believe that the Amendment submitted on November 9, 2005 places the claims in condition for allowance. Please enter the Amendment and consider the claims.

Thank you in advance for considering this Amendment.

Sincerely,

M. Robert Kestenbaum  
Reg. No. 20,430

11011 BERMUDA DUNES NE  
ALBUQUERQUE, NEW MEXICO USA 87111  
PHONE (505) 323-0771  
FAX (505) 323-0865

DEC 04 2005

Becker (H) 02SGL0436CIP USP – US Patent Application 10/777,800.  
 Fee Payment in Response to Notice of Deficiency mailed 11/18/2005 submitted by fax on 12/04/2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 10/777,800  
 Filed February 11, 2004  
 Applicant Becker et al.  
 Attorney Docket (H)02SGL0436CIPUSP  
 Art Unit 1753  
 Examiner Rodney Glenn McDonald  
 Examiner's Phone (571) 272 1340

Mail Stop Amendment with Fee PO Box 1450 Commissioner for Patents  
 Alexandria, Va. 22313-1450

Dear Examiner McDonald:

In response to the Notice Of Fee Deficiency mailed 11/18/2005, a PTO 2038 is included herewith authorizing charging a credit card for the THIRD month extension (the first two have already been charged), in the amount of \$570, as well as a \$200 additional independent claim fee, for a total of \$770. This submission should overcome the Legal Instruments Examiner's Notice of Deficiency regarding the Amendment submitted on November 9, 2005. Applicant respectfully believes that the Amendment submitted on November 9, 2005 placed the claims in condition for allowance. Please enter the Amendment.

Wherefore further consideration and allowance of the application as amended is respectfully requested.

12/05/2005 TL0111 00000028 10777800

Respectfully submitted,

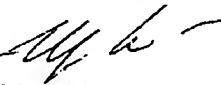
01 FC:1253  
02 FC:1201

1020.00 OP  
200.00 OP

  
 M. Robert Kestenbaum Reg. No. 20,430  
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I hereby certify this correspondence is being submitted by facsimile transmission to Commissioner for Patents, Alexandria, Va. 22313-1450 on December 4, 2005, fax number (571) 272-8300 Adjustment date: 12/05/2005 TL0111

11/09/2005 TL0111 00000028 10777800  
01 FC:1252 -450.00 OP

  
 M. Robert Kestenbaum



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,800	02/11/2004	Hans Becker	(H) 02SGL0436USC	5840
7590	11/18/2005			
M. Robert Kestenbaum 11011 Bermuda Dunes NE Albuquerque, NM 87111			EXAMINER	
			MCDONALD, RODNEY GLENN	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

10/777801

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

## NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

the original filing of the application and/or preliminary amendment (e.g. additional claim fees)

the reply filed on \_\_\_\_\_ because of the \_\_\_\_\_ The reply is not fully responsive to the prior Office action following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

## FEE(S) DUE

1. The reply (e.g., amendment) is considered incomplete in that the funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance\* is due within the time period set below.

2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to \_\_\_\_\_ Account (Card type + last 4 digits ONLY) was refused. The balance\* is due within the time period set below.

3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.

4. The filing fee of \$ \_\_\_\_\_ submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(b) & (c)).

5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

*There is a \$50.00 service charge for independent claim \$200.00*  
*This is 1,7778,304-37 no independent claims*

APPLICANT IS GIVEN A TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEES\* IN ORDER TO AVOID ABANDONMENT. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

*Kob M. Kestenbaum*  
 Legal Instruments Examiner (LIE) or Clerk of Group

Inquires regarding this Notice should be addressed to the above at *571-272-1019* (insert Phone Number).